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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,958	06/27/2003	Bret W. Lehman	RPS9 2003 0066 US1	3076

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EXAMINER

CHERVINSKY, BORIS LEO

ART UNIT	PAPER NUMBER
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2835

DATE MAILED: 06/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application N .

10/607,958

Applicant(s)

LEHMAN ET AL.

Examiner

Boris L. Chervinsky

Art Unit

2835

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 204, 206, 508, 604, 606, 608, 610. All reference numbers shown in the drawing must be discussed in the disclosure.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the foam elastomeric element and how it is affixed to sections of the metal element must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The specification does not provide sufficient structure for the foam elastomeric element being affixed to sections of the metal element, drawings are unclear and confusing, providing reference number which are not discussed in the specification or pointing to elements that are misdescribed in the specification, e.g. reference number 602 on Fig. 6 designated as the gasket. The active area of the fan has not been defined as well as "additional foam elastomeric elements" of claim 6.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

The terminology of claims has no antecedent basis with terminology of the specification ("carrier structure" of claim 19).

6. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

### ***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-3, 18-20 are rejected, as best understood, under 35 U.S.C. 102(a) as being anticipated by Matsumoto.

Matsumoto discloses a device for use in cooling a component in data processing system with a heat sink 3 and a fan 2 comprising: means for maintaining the fan in close proximity to the heat sink or shroud 1 and in a position relative to the fan for moving air over the cooling surfaces of the heat sink and includes legs and cavity; and a vibration isolation component 1c reduces the transmission of vibration from the fan 2 to the heat sink 3; the vibration isolation component 1c is configured to receive the fan and secure the fan in position relative to the heat sink to locate the fan in a predetermined position relative to the heat sink; the vibration isolation component 1c is a solid elastomeric element.

9. Claims 11, 15, 16 are rejected, as best understood, under 35 U.S.C. 102(e) as being anticipated by Lee.

Lee discloses an assembly for use in cooling a microelectronic component in a data processing system comprising: a heat sink 16 and a fan 13; means for maintaining the fan in close proximity to the heat sink and in a position relative to the fan for moving air over the cooling surfaces of the heat sink 15; and a vibration isolation component 21 to isolate the fan from the heat sink and reduce the transmission of fan vibration to the

heat sink; the vibration isolation component 21 comprises a compliant gasket defining an opening.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Saneinejad et al.

Matsumoto discloses the claimed invention except a foam elastomeric element affixed to sections of the metal element. Saneinejad disclose a foam element 500 affixed to sections of the metal element 600 attached to the heat sink 400 isolating the fan 900. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use the foam isolation element as disclosed by Saneinejad in the device disclosed by Matsumoto to provide sufficient isolation.

12. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Lee.

Matsumoto discloses the claimed invention except a gasket with an opening. Lee discloses the cooling fan being isolated from the heat sink by the gasket 21 having an opening. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use a gasket as disclosed by Lee in the structure disclosed by Matsumoto for better vibration isolation.

13. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matsumoto in view of Lee and further in view of Saneinejad et al.

Matsumoto and Lee disclose the claimed invention except adhesive material and foam elastomer. Saneinejad discloses the foam material and adhesive attachment of the elastomeric element. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use elastomeric element as disclosed by Saneinejad in the device disclosed by Lee for securely attaching all structural elements.

14. Claims 12-14, 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lee in view of Saneinejad et al.

Lee discloses the claimed invention except adhesive material and foam elastomer. Saneinejad discloses the foam material and adhesive attachment of the elastomeric element. It would have been obvious at the time the invention was made to a person having ordinary skill in the art to use elastomeric element as disclosed by Saneinejad in the device disclosed by Lee for securely attaching all structural elements.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Boris L. Chervinsky whose telephone number is 571-272-2039. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on 571-272-2800 ext. 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**BORIS CHERVINSKY**  
**PRIMARY EXAMINER**

*Boris L. Chervinsky*  
6/2/4